

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

PAMELA G. CAPPETTA,

Plaintiff,

v.

Civil Action No. 3:08CV288

GC SERVICES LIMITED PARTNERSHIP,

Defendant.

**ORDER**

For the reasons stated in the accompanying Memorandum Opinion and its Exhibit A, Plaintiff's Motion to Compel (Docket No. 45) is GRANTED IN PART and DENIED IN PART. Defendant's objections are OVERRULED IN PART and SUSTAINED IN PART.

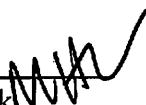
Because of the undue delay and improper responses given by Defendant, the Court hereby ORDERS that:

- (1) The trial date in this case has been suspended;
- (2) Discovery shall be extended ninety days, until March 12, 2009. This comports with the time Defendant has improperly obstructed the flow of discovery;
- (3) Defendant is ORDERED to respond to all discovery requests no later than January 12, 2009. Defendant shall provide one integrated response to interrogatories, requests for production, and requests to admit. Such responses shall comport with Fed. R. Civ. P. 26(e), 26(g), 33(b)(3) and (b)(5), 34(b)(E), and 36(a)(4);
- (4) Defendant is ORDERED to comply with Rule 26(b)(5) in asserting a privilege, and concomitantly providing a privilege log. The Defendant is ORDERED that it may not lodge objections based on privilege for documents it might, hypothetically, uncover or create. That issue is not ripe. Defendant may update and particularize any updated claimed privilege pursuant to Rule 26(b)(5) and 26(e);

- (5) To the extent it has not, Defendant is ORDERED to, no later than five days from the entry date of this Memorandum Opinion and Order, preserve an image of the laptop computer used by the GC Services employee who was deposed during the week of December 8, and to confirm to the Court that it has done so;
- (6) An in-court discovery status hearing shall commence on February 10, 2009, at 3:00 p.m., to ensure that discovery is progressing properly. The parties shall provide a written submission as to status of discovery no later than February 3, 2009; and,
- (7) Given that the Court has granted Plaintiff's Motion to Compel to such a large degree, the parties will be given an opportunity to be heard as to whether sanctions should issue pursuant to Fed. R. Civ. P. 37, and if so, to what extent.

Let the Clerk send a copy of the Memorandum Opinion, Exhibit A, and this Order to all counsel of record. Because Exhibit A is filed UNDER SEAL for the reasons stated in the accompanying Memorandum Opinion, the Clerk SHALL MAIL Exhibit A to counsel of record under SEPARATE COVER, and EXHIBIT A shall not be made a part of the public record.

And it is SO ORDERED.

  
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/s/  
M. Hannah Lauck  
United States Magistrate Judge

Date: 12/24/08  
Richmond, Virginia